

that gave voice to the dissenters this administration has tried to muzzle. The redactions prevent us from fully understanding that debate and how Criminal Division lawyers under Judge Chertoff's supervision dealt with the FBI concerns that the torture policies were not only immoral but ineffectual. It prevents us from truly understanding Judge Chertoff's role and whether attorneys under his supervision raised the issue with him directly. He said he does not remember. I accept the judge's statement in that regard. But that does not take away from the necessity of being able to have this information.

In response to Senator LEVIN's request for an unredacted version of the FBI emails, the administration issued its broadest assault against the Senate's duty to evaluate a nominee to get oversight of this administration. The administration claimed it would not turn over the unredacted emails because to do so would violate the Privacy Act, even though, through Senate security, any classified information would be protected. The Privacy Act is designed to prevent the Government from disclosing personal information about private individuals who have not consented to disclosure. It is not a tool to conceal identities of public officials engaged in this Nation's business.

As my colleague from Michigan, Senator LEVIN, has so forcefully stated, the administration's penchant for secrecy threatens each and every Senator's ability to do the people's business and undermines our role in providing advice and consent to the President's nominees and undermines our role in conducting oversight into this administration. In the end, what is most troubling is that the administration's culture of secrecy may breed further abuses, abuses we know of today, not because of but in spite of the administration's effort.

We must overcome these roadblocks put up by the administration because the job of protecting the homeland is too important. Judge Chertoff will have enormous challenges if he assumes his new position, which I am confident he will. Border security, immigration, port security, airport screening, protecting America's critical infrastructure, and so much more will now fall under his purview. He has pledged to work with the Congress in crafting the Department's policies. As much as possible, this must be a non-partisan exercise. Working together, we can and we must put our country in the strongest possible position to defend itself for the many threats we face.

In short, what I am criticizing and complaining about, we have some emails from the FBI to the Justice Department, saying, in effect, how we conduct our interrogations is appropriate. What the Department of Defense is doing with their brutality and their torture is wrong. I am convinced that is true; the FBI was right. I hope

somehow we will be able to get the names of these individuals and pursue it more carefully and also find out what the real words were; I am confident it was torture. One thing we know clearly from these memos is that the FBI says using our methods, the normal methods of interrogation, we are getting more information from the enemy than you are while using your acts of violence.

I close by saying, again, I want this record spread with the fact that Senator LEVIN has done a good thing for this country. He has done good work again in allowing us to look at an issue that should be a simple issue that has been made complicated by this administration by virtue of their hiding what it should not.

Ms. COLLINS. Mr. President, I ask unanimous consent the quorum call I am about to invoke be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a few moments we will be voting on the nomination of Judge Michael Chertoff to lead the Department of Homeland Security. I applaud President Bush for his outstanding choice, and I am confident that Judge Chertoff will receive overwhelming support from both sides of the aisle, making this his fourth confirmation by this body, the Senate.

Judge Chertoff has a long and distinguished career in public service and law enforcement.

The Harvard Law magna cum laude first made his name in the mid-1980s putting away five of the biggest Mafia bosses in New York.

His success brought him the job of U.S. attorney in New Jersey where he oversaw high-profile and politically sensitive prosecutions.

In 2001, Judge Chertoff was chosen by President Bush to lead the Justice Department's Criminal Division. It was there that Judge Chertoff would show his full mettle. For the 20 hours following the attacks on 9/11, Judge Chertoff was central in directing our response.

His team in the Criminal Division traced the 9/11 killers back to al-Qaida. And for the next 2 years, Judge Chertoff helped craft our antiterrorism policy.

His experience working directly with law enforcement, his expertise in homeland and national security, and his proven ability to lead in times of national crisis make him overwhelmingly qualified to direct our homeland security.

Judge Chertoff has said he will be proud to stand again with the men and women who form our front line against terror. I know I speak for many when I say we are proud to have a man of his caliber and talent serving and protecting the American people.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael Chertoff, of New Jersey, to be Secretary of Homeland Security? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Pennsylvania (Mr. SPECTER).

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—98

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Frist	Obama
Boxer	Graham	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Burr	Harkin	Rockefeller
Byrd	Hatch	Salazar
Cantwell	Hutchison	Santorum
Carper	Inhofe	Sarbanes
Chafee	Inouye	Schumer
Chambliss	Isakson	Sessions
Clinton	Jeffords	Shelby
Coburn	Johnson	Smith
Cochran	Kennedy	Snowe
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lieberman	Voivovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden
Dodd	Lugar	

NOT VOTING—2

Baucus Specter

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The majority leader.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a